

EXHIBIT A

E-FILED
THURSTON COUNTY, WA
SUPERIOR COURT
04/03/2024 - 4:17PM
Linda Myhre Enlow
Thurston County Clerk

**IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF THURSTON**

GARRETT RUMMELL, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

**RED ROBIN INTERNATIONAL, INC.,
LLC**, a Foreign Profit Corporation, and
DOES 1-10, inclusive,

Defendants.

Case No.

**CLASS ACTION COMPLAINT FOR
VIOLATIONS OF WASHINGTON'S
WAGE TRANSPARENCY LAW (RCW
49.58.110)**

1 Plaintiff Garrett Rummell (“Plaintiff”), by and through his undersigned attorneys and on
2 behalf of himself and all others similarly situated, complains and alleges the following:

3 **I. NATURE OF ACTION**

4 1. This is a class action pursuant to Wash. Super. Ct. Civ. R. 23 against Defendant
5 Red Robin International, Inc. and its subsidiaries and affiliated companies, and DOES 1-10,
6 inclusive (“Doe Defendants”) (together “Defendant”), for engaging in a systematic scheme of
7 failing to include the wage scale, salary range, and/or a general description of all benefits and other
8 compensation to be offered in job openings.

9 2. Plaintiff seeks statutory penalties, attorneys’ fees, and costs for Defendant’s failure
10 to include the wage scale, salary range, and/or a general description of all benefits and other
11 compensation to be offered in its job openings under RCW 49.58.110 and 49.58.070(1)

12 **II. THE PARTIES**

13 3. Plaintiff, who at all relevant times was a resident of Olympia, Washington, applied
14 for a job position in Washington State with Defendant in or around March 2024 at Defendant’s
15 restaurant located at 600 Cooper Point Road SW, Olympia, Washington 98502. The job posting
16 did not disclose the wage scale, salary range, or a general description of the benefits and other
17 compensation to be offered. Plaintiff seeks to represent a class of all individuals who, from January
18 1, 2023 through the present (the “Class Period”) applied for a job in the State of Washington with
19 Defendant where the job posting did not disclose the wage scale or salary range for the position.

20 4. Defendant is a Foreign Profit Corporation that owns and operates a chain of casual
21 dining restaurants in Washington State, among other states. Defendant is headquartered in
22 Englewood, California, and owns and operates thirty-seven restaurant locations in Washington
23 State.

24 5. Plaintiff is ignorant of the true names and capacities, whether individual, corporate,
25 associate, or otherwise, of Doe Defendants sued herein as DOES 1 through 10, inclusive, and,
26 therefore, sues these Defendants by such fictitious names. Plaintiff will amend this Complaint to
27 allege their true names and capacities when ascertained. Plaintiff is informed and believes and
28 thereon alleges that each of these fictitiously named Doe Defendants is responsible in some manner

1 for the occurrences herein alleged, in that they were prospective employers or prospective co-
 2 employers of Plaintiff and the Class, and that Plaintiff's damages, as herein alleged, were
 3 proximately caused by such Doe Defendants.

4 **III. JURISDICTION & VENUE**

5 6. This Court has jurisdiction over this action to recover damages pursuant to RCW
 6 4.12.025(1)(a) and RCW 49.58.070(1).

7 7. Venue is proper in Thurston County, pursuant to RCW 4.12.025(1), because it is a
 8 county in which Defendant transacts business and the restaurant location that Plaintiff applied to,
 9 and which is owned and/or operated by Defendant, is in Thurston County. Defendant maintains a
 10 restaurant location in Olympia, Washington in Thurston County and transacts business in Thurston
 11 County during the Class Period. Venue is, therefore, proper in Thurston County.

12 **IV. FACTUAL ALLEGATIONS**

13 8. On information and belief, during the Class Period, Defendant fielded employment
 14 applications from more than one thousand individuals in Washington State.

15 9. Facts and Law Regarding Defendant's Violations of RCW 49.58.110(1): Effective
 16 January 1, 2023, employers in Washington must disclose in each posting for each job opening, the
 17 wage scale or salary range and a general description of all of the benefits and other compensation
 18 to be offered to the hired applicant. RCW 49.58.110(1). For the purposes of RCW 49.58.110,
 19 "posting" means any solicitation intended to recruit job applicants for a specific available position,
 20 including recruitment done directly by an employer or indirectly through a third party, and includes
 21 any postings done electronically, or with a printed hard copy, that includes qualifications for
 22 desired applicants. RCW 49.58.110(1). This section only applies to employers with 15 or more
 23 employees. RCW 49.58.110(3). At all relevant times, Defendant employed more than 15
 24 individuals.

25 10. From January 1, 2023 to the present, Plaintiff and the Class Members applied to
 26 job openings with Defendant located in Washington State where Defendant's job postings did not
 27 disclose the wage scale, salary range, and/or a general description of the benefits and other
 28 compensation to be offered.

11. Specifically, in or about March 2024, Plaintiff applied for a job opening in Washington State with Defendant at Defendant's restaurant located at 600 Cooper Point Road SW, Olympia, WA 98502. The posting for the job opening did not disclose the wage scale, salary range, or a general description of the benefits and other compensation to be offered. True and correct copies of Defendant's job postings are attached hereto as **Exhibits A-C** (last accessed April 1, 2024). Specifically, Defendant's job postings for Front of House Team Member, Heart of House Team Member, and Shift Supervisor jobs in Washington all fail to disclose the wage scale or salary range for the job positions. On information and belief, all of Defendant's Front of House Team Member, Heart of House Team Member, and Shift Supervisor job postings on its website and on third party websites fail to include the wage scale, salary range, and/or a general description of the benefits and other compensation to be offered.

12. Plaintiff and the Class Members lost valuable time applying for a job with Defendant for which the wage scale or salary range was not disclosed to them.

13. As a result of Plaintiff's and Class Members' inability to evaluate the pay for the position, negotiate that pay, and compare that pay to other available positions in the marketplace, Plaintiff and the Class Members were harmed.

V. CLASS ACTION ALLEGATIONS

14. Plaintiff brings this case as a class action pursuant to CR 23 on behalf of the following Class (the "Class" or "Class Members"):

All individuals who, from January 1, 2023 through the present (the "Class Period"), applied for a job in the State of Washington with Defendant where the job posting did not disclose the wage scale or salary range for the position¹

15. Plaintiff reserves the right to amend or modify the class descriptions with greater specificity, by division into subclasses, or by limitation to particular issues.

¹ Plaintiff reserves the right to modify the Class definition at a later date to conform to new facts learned, including the properly named entity Defendant(s). Plaintiff also reserves the right to move for certification on certain claims as to certain subclasses.

1 16. On information and belief, there are estimated to be more than one thousand
2 individuals in the Class. Given Defendant's systemic failure to comply with RCW 49.58.110(1),
3 the members of the Class are so numerous that joinder of all members is impractical.

4 17. Plaintiff's claims are typical of the claims of the members of the Class because he
5 and they applied for employment with Defendant during the Class Period and he and they sustained
6 damages arising out of Defendant's failure to include the wage scale and salary range on job
7 postings during the Class Period.

8 18. Plaintiff will fairly and adequately represent the interests of the Class. Plaintiff has
9 no conflict of interest with any member of the Class. Plaintiff has retained competent and
10 experienced counsel in complex class action litigation. Plaintiff's counsel has the expertise and
11 financial resources to adequately represent the interests of the Class.

12 19. Common questions of law and fact exist as to all members of the Class and
13 predominate over any questions solely affecting individual members of the Class. Among the
14 questions of law and fact common to the Plaintiff and the Class are the following:

15 a. Whether Plaintiff and Class Members applied for jobs with Defendant during the
16 Class Period where Defendant's job postings failed to include the wage scale, salary range, and/or
17 a general description of the benefits and other compensation to be offered;

18 b. Whether Defendant violated RCW 49.58.110(1) by failing to disclose the wage
19 scale, salary range, and/or a general description of the benefits and other compensation to be
20 offered in job postings during the Class Period;

21 c. The proper formula(s) for calculating damages and interest owed to Plaintiff and
22 Class Members; and

23 d. The nature and extent of class-wide damages and the measure of damages for the
24 Class.

25 20. Class action treatment is superior to any alternative to ensure the fair and efficient
26 adjudication of the controversy alleged herein. Such treatment will permit a large number of
27 similarly situated persons to prosecute their common claims in a single forum simultaneously,
28 efficiently, and without duplication of effort and expense that numerous individuals would entail.

1 No difficulties are likely to be encountered in the management of this class action that would
 2 preclude its maintenance as a class action, and no superior alternative exists for the fair and
 3 efficient adjudication of this controversy. The Class Members are readily identifiable from
 4 Defendant's employee rosters, HR databases, payroll records, and/or job applicant records.

5 21. Defendant's actions are generally applicable to each member of the Class.
 6 Prosecution of separate actions by individual members of the Class creates the risk of inconsistent
 7 or varying adjudications of the issues presented herein, which, in turn, would establish
 8 incompatible standards of conduct for Defendant.

9 22. Because joinder of all members is impractical, a class action is superior to other
 10 available methods for the fair and efficient adjudication of this controversy. Furthermore, the
 11 amounts at stake for many members of the Class, while substantial, may not be sufficient to enable
 12 them to maintain separate suits against Defendant.

13 **VI. CAUSE OF ACTION**
 14 **Violation of RCW 49.58.110**

15 23. Plaintiff re-alleges and incorporates by reference each and every allegation set forth
 16 in the preceding paragraphs.

17 24. Effective January 1, 2023, employers must disclose in each posting for each job
 18 opening, the wage scale or salary range and a general description of all of the benefits and other
 19 compensation to be offered to the hired applicant. RCW 49.58.110(1). For the purposes of RCW
 20 49.58.110, "posting" means any solicitation intended to recruit job applicants for a specific
 21 available position, including recruitment done directly by an employer or indirectly through a third
 22 party, and includes any postings done electronically, or with a printed hard copy, that includes
 23 qualifications for desired applicants. RCW 49.58.110(1). This section only applies to employers
 24 with 15 or more employees. RCW 49.58.110(3).

25 25. As described above, Defendant did not disclose the wage scale, salary range, and/or
 26 a general description of the benefits and other compensation to be offered in its Front of House
 27 Team Member, Heart of House Team Member, and Shift Supervisor job postings.

28 26. Starting January 1, 2023, Plaintiff and the Class applied for job openings with

Defendant where the job postings did not disclose the wage scale, salary range, and/or a general description of the benefits and other compensation to be offered. Accordingly, Defendant violated RCW 49.58.110(1).

27. A job applicant or an employee is entitled to the remedies in RCW 49.58.060 and 49.58.070 for violations of this section. RCW 49.58.110(4). An employee may bring a civil against an employer for . . . actual damages; statutory damages equal to the actual damages or five thousand dollars, whichever is greater; interest of one percent per month on all compensation owed; and costs and reasonable attorneys' fees. The court may also order reinstatement and injunctive relief. RCW 49.58.070(1).

28. Plaintiff and Class Members are entitled to actual or statutory damages, plus interest, and attorneys' fees and costs, under RCW 49.58.070(1).

VII. PRAYER FOR RELIEF

Wherefore, Plaintiff, on behalf of himself and the members of the Class, prays for judgment against Defendant as follows:

A. An Order that this action may proceed and be maintained as a class action, certifying the Class as defined above for the Class Period defined above;

B. A declaratory judgment that Defendant violated RCW 49.58.110(1);

C. An award of statutory damages equal to Plaintiff and Class Members actual damages or five thousand dollars, whichever is greater, pursuant to RCW 49.58.070(1), plus interest, and reasonable attorneys' fees and costs; and

D. All other relief this Court deems proper.

Dated this 3rd day of April, 2024.

Respectfully submitted,

ACKERMANN & TILAJEF, P.C.

By:



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EXHIBIT A

[Sign In](#)[Search for Jobs](#)[Join our Talent Network](#)

Front of House Team Members

[Apply](#)

Olympia, WA. 600 Cooper Point Rd Sw (98502) Olympia

Part time

Posted 30+ Days Ago

R-027517

Front of House Team Members

Red Robin isn't your typical burger restaurant. We're a team filled with unbridled energy, magnetic personalities, and a passion for having fun!

We also have a passion for developing our Team Members! Did you know over 40% of our Managers were Team Members at one time? Many of these individuals are now General Managers, Regional Directors and Corporate Leaders!

Always Accepting Applications

Host/Hostess

Responsible for providing a great first impression by displaying a friendly demeanor and escorting Guests to tables - the host will take reservations with a wait list when necessary.

Server

Responsible for delivering a fun and satisfying dining experience to Guests and ensuring Guests receive menu suggestions, taking orders and serving food and drinks in a timely accurate manner.

Bartender

Delivers exceptional Guest service by being efficient, confident, personable, and an expert on all things beverage. (Must be 21 years or older)

Delivery Driver

You will act as a Brand ambassador delivering timely family friendly Guest service in both commercial and

residential settings, consistent with the Company's B.U.R.G.E.R values. You will also be responsible for cash and credit cards transactions. You must have a valid state driver's license, proof of insurance, and a reliable vehicle.

RedRobin (RRGB) is a well-established, high-volume, full-service restaurant concept that has growth opportunities for team members in a full-service casual dining restaurant company. Grow your career with Red Robin Gourmet Burgers and Brews!

As a Team Member at Red Robin, you'll enjoy:

- Medical, Dental, and Vision benefits for ALL team members
- THREE SCHEDULED RAISES within your first year, starting after 3 months.
- Flexible work schedules
- Referral bonuses for bringing new members to our team
- Eligible for 401(k) retirement plan with a company match of up to 4% of your pay (if qualified)
- Free shift meal for Back of House Team Members
- 50% discount on Red Robin food and 25% for your family
- EXCELLENT Opportunities to grow with us

Our mission is clear: make it fresh. Make it fun. Make it memorable. And above all, make 'em smile. Become a part of our team today!

Red Robin independent franchisees each hire their own employees and establish their own terms and conditions of employment, which may differ from those described.

Red Robin is an Equal Opportunity & E-Verify Employer

Search Navigation Tips

Under "Location" select the applicable state you want to search and then scroll down to see what cities we are hiring in!

About Us



At Red Robin, we're not your typical burger restaurant. Our fans love us for our quirky personality, and the way we add an unexpected wink of fun to whatever we do. If you have a magnetic personality, contagious energy and are interested in working in an environment where anything is possible, come join our team!

Our core B.U.R.G.E.R. values ensure that guests & team members alike are better for being here.

BOTTOMLESS FUN - Our guests love coming here because we do too!

- Our playful spirit gets mixed into everything we do.

UNWAVERING INTEGRITY- do the right thing, no matter what.

- Our word is a 100% guarantee we will deliver. Even when it's tough or no one is looking.

RELENTLESS FOCUS ON IMPROVEMENT - We are always striving to be better.

- We constantly seek knowledge and innovation to keep things popping!

GENUINE SPIRIT OF SERVICE - We go above and beyond to meet our guests needs.

- Unbridled hospitality and personal connections are in our DNA.

EXTRAORDINARY PEOPLE - Remarkable people make us better.

- We honor our Team Members by caring for, developing and rewarding them.

RECOGNIZED BURGER AUTHORITY - Nobody does burgers as well as we do, nobody.

- We are the gold standard in taste, quality, presentation and innovation.

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EXHIBIT B

[Sign In](#)[Search for Jobs](#)[Join our Talent Network](#)[Apply](#)

Heart of House Team Members

[Apply](#)

Olympia, WA. 600 Cooper Point Rd Sw (98502) Olympia

Part time

Posted 30+ Days Ago

R-027775

Heart of House Team Members

Red Robin isn't your typical burger restaurant. We're a team filled with unbridled energy, magnetic personalities, and a passion for having fun!

We also have a passion for developing our Team Members! Did you know over 40% of our Managers were Team Members at one time? Many of these individuals are now General Managers, Regional Directors and Corporate Leaders!

Hiring Immediately:

Line Cooks (Chefs / Kitchen Prep / Kitchen Team Members)

You will learn the Red Robin style of food preparation, which includes cutting, sautéing, broiling, frying, and cooking various meals such as meats, fish, poultry, vegetables, soups, salads, and other ingredients.

RedRobin (RRGB) is a well-established, high-volume, full-service restaurant concept that has growth opportunities for team members in a full-service casual dining restaurant company. Grow your career with Red Robin Gourmet Burgers and Brews!

As a Team Member at Red Robin, you'll enjoy:

- Medical, Dental, and Vision benefits for ALL team members
- THREE SCHEDULED RAISES within your first year, starting after 3 months.

Heart of House Team Members

Apply

- Free shift meal for Back of House Team Members
- 50% discount on Red Robin food and 25% for your family
- EXCELLENT Opportunities to grow with us

Our mission is clear: make it fresh. Make it fun. Make it memorable. And above all, make 'em smile. Become a part of our team today!

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-
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EXHIBIT C

[Sign In](#)[Search for Jobs](#)[Join our Talent Network](#)

Shift Supervisor

[Apply](#)

Olympia, WA. 600 Cooper Point Rd Sw (98502) Olympia

Part time

Posted 30+ Days Ago

R-023179

Shift Supervisor

Our Hourly Shift Supervisors not only have an appetite for bottomless fun & compassion for our crazy loyal guests, they manage day to day operations of the restaurant during scheduled mid and closing shifts under the supervision of exempt management. Candidates and current Team Members who demonstrate our B.U.R.G.E.R values may be selected by exempt management for the Shift Supervisor position and will undergo on-the-job training for specific management tasks and leadership growth. As a part of the leadership team, they are an ambassador of Company & Brand Equity Standards to ensure the loyalty of our guests and profit maximization. They are master resolvers with guest interactions, driven to optimize profits, and ensure product quality and restaurant cleanliness. Candidates and current Team Members selected for this role may work in this position as well as other hourly roles they are certified in and are scheduled based upon restaurant need.

At Red Robin, we believe the responsibilities of a Shift Supervisor should also represent our BURGER values:

Bottomless Fun

- Be a champion of culture and bottomless fun while positively impacting revenue & being a role model while supporting Red Robins B.U.R.G.E.R Values.
- Have a cheerful spirit while also influencing and adhering to all company standards and policies including the code of conduct, attendance, dress code and appearance policy.

Unwavering Integrity

- Do the right thing, even when it's tough or no one is looking: adhere to federal, state, and local laws in addition to company policy, protect company assets, and hold Team Members accountable to these standards.

- Assist team member's adherence to company cash handling and payment processing procedures.
- Regulate compliance with liquor service, wage and hour laws, break requirements and other laws where applicable.
- Maintain our gold standard by completing all record keeping and administrative tasks related to operating, and closing the restaurant as directed by Salaried Managers.

Relentless Focus on Improvement

- Since we are always striving to be better, support the achievement of sales by ensuring guest satisfaction and prompt problem resolution to meet our guests needs
- Achieve labor and cost objectives by executing against established plans in these areas.
- Optimize profit by utilizing labor efficiently and portioning correctly, minimizing waste, etc.

Genuine Spirit of Service

- Unbridled hospitality and personal connections are in our DNA - exercise good judgment and decision-making skills and provide Team Member support.
- We believe in a total team mentality, expect to spend time performing FOH/ HOH functions and other duties assigned by exempt management including food preparation, cooking, cleaning, serving, and greeting our crazy loyal guests.

Extraordinary People

- Remarkable people make us better: Red Robin Shift Supervisors are responsible for motivating & leading Team Members to provide world class Guest experiences and recognizing those Team Members who do.
- Emphasize safety, sanitation, and security awareness, and ensure that Team Members are properly executing safe behaviors.

Recognized Burger Authority

- Maintain food quality standards for the restaurant – because nobody does burgers as well as we do.
- Make sure we are the gold standard in taste, quality, and presentation by complying with OSHA, local health and safety codes as well as Company safety and security policies.
- Ensure Team Members avoid cross contamination, improper food handling and/or storage practices, etc., through proper training and supervision.

REQUIREMENTS

- Must be at least 21 years of age
- Minimum of 1 year full service restaurant experience preferred
- Record of maintaining high standards in restaurant cleanliness, sanitation, food quality, and guest satisfaction
- Business maturity and an ability to effectively supervise peers
- High school diploma or equivalent required, some college preferred
- Passion for the business and compassion for people
- Highly-Energetic, self-motivated, goal oriented and dependable
- Good oral and written communication skills, and outstanding leadership, interpersonal and conflict resolution skills
- Basic business math and accounting skills, and strong analytical/decision-making skills
- Basic personal computer literacy
- Must be able to work a flexible schedule including opening, closing, weekends and holidays. Reliable transportation required
- Serv Safe Certified preferred

As a Team Member at Red Robin, you'll enjoy:

- **Medical, Dental, and Vision benefits for ALL team members**
- **THREE SCHEDULED RAISES within your first year, starting after 3 months.**
- Flexible work schedules
- Referral bonuses for bringing new members to our team
- Eligible for 401(k) retirement plan with a company match of up to 4% of your pay (if qualified)
- Free shift meal for Back of House Team Members
- 50% discount on Red Robin food and 25% for your family
- **EXCELLENT Opportunities to grow with us**

NOTE: This job description is not intended to be an exhaustive list of all duties, responsibilities or qualifications associated with the job.

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